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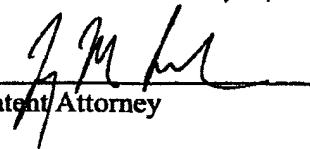
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INFORMATION DISCLOSURE
STATEMENT

Patent Application
Examining Group 1652
Docket No. MA-702D2
Serial No. 09/977,653
Confirmation No. 4237

#4


Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

Art Unit : 1652
Applicants : Mark Thompson, Mark E. Knuth, Guy A. Cardineau
Serial No. : ~~09/997,653~~ 09/977,653
Conf. No. : 4237
Filed : October 15, 2001
For : *Bacillus thuringiensis* Toxins with Improved Activity

FEB 13 2002

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Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

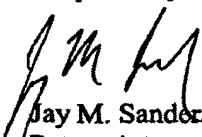
In accordance with 37 CFR §1.97 and §1.98, Applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B.

Pursuant to 37 CFR §1.98(d), copies of the references cited on the attached Forms PTO/SB/08A and PTO/SB/08B are not provided herewith because copies of these references were submitted to the Office in prior U.S. Patent Application Serial No. 09/222,594 (filed December 28, 1998; now U.S. Patent No. 6,303,364). Under 35 USC §120, the subject application (Serial No. 09/997,653) relies upon Serial No. 09/222,594 for an earlier filing date.

It is respectfully requested that the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements. Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Jay M. Sanders

Patent Attorney

Registration No. 39,355

Phone No.: 352-375-8100

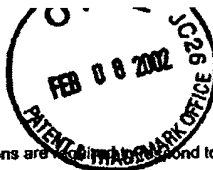
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Gainesville, FL 32606-6669

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Attachment: Forms PTO/SB/08A and PTO/SB/08B

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete If Known Application Number: 09/977,653 Filing Date: October 15, 2001 First Named Inventor: Mark Thompson Group Art Unit: 1652 Examiner Name: R. Prouty Attorney Docket Number: MA-702D2	
Sheet	1	of	4

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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	U1	4,448,885		Schnepf <i>et al.</i>	05-15-1984	(Please review all)
	U2	4,467,036		Schnepf <i>et al.</i>	08-21-1984	(Please review all)
	U3	4,797,276		Hernstadt <i>et al.</i>	01-10-1989	(Please review all)
	U4	4,849,217		Soares <i>et al.</i>	07-18-1989	(Please review all)
	U5	4,853,331		Hernstadt <i>et al.</i>	08-01-1989	(Please review all)
	U6	4,918,006		Ellar <i>et al.</i>	04-17-1990	(Please review all)
	U7	4,948,734		Edwards <i>et al.</i>	08-14-1990	(Please review all)
	U8	4,990,332		Payne <i>et al.</i>	02-05-1991	(Please review all)
	U9	5,039,523		Payne <i>et al.</i>	08-13-1991	(Please review all)
	U10	5,093,120		Edwards <i>et al.</i>	03-03-1992	(Please review all)
	U11	5,126,133		Payne <i>et al.</i>	06-30-1992	(Please review all)
	U12	5,151,363		Payne	09-29-1992	(Please review all)
	U13	5,164,180		Payne <i>et al.</i>	11-17-1992	(Please review all)
	U14	5,169,629		Payne <i>et al.</i>	12-08-1992	(Please review all)

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴	Kind Code ⁵ (if known)			
	F1	EP	0 462 721		Narva <i>et al.</i>	06-04-1991	(Please review all)
	F2	EP	0 500 311		Bradfish <i>et al.</i>	08-26-1992	(Please review all)
	F3	WO	92/19739		Schnepf <i>et al.</i>	11-12-1992	(Please review all)
	F4	WO	94/04684		Payne <i>et al.</i>	03-03-1994	(Please review all)
	F5	WO	97/13402		Merlo <i>et al.</i>	04-17-1997	(Please review all)
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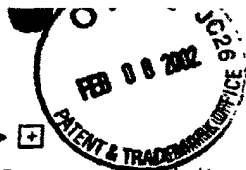
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known Application Number 09/977,653 Filing Date October 15, 2001 First Named Inventor Mark Thompson Group Art Unit 1652 Examiner Name R. Prouty Attorney Docket Number MA-702D2		
Sheet	2	of	4		

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Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	U15	5,186,934		Narva <i>et al.</i>	02-16-1993	(Please review all)
	U16	5,208,017		Bradfish <i>et al.</i>	05-04-1993	(Please review all)
	U17	5,236,843		Narva <i>et al.</i>	08-17-1993	(Please review all)
	U18	5,262,159		Payne <i>et al.</i>	11-16-1993	(Please review all)
	U19	5,262,399		Hickle <i>et al.</i>	11-16-1993	(Please review all)
	U20	5,270,448		Payne	12-14-1993	(Please review all)
	U21	5,281,530		Sick <i>et al.</i>	01-25-1994	(Please review all)
	U22	5,286,485		Uyeda <i>et al.</i>	02-15-1994	(Please review all)
	U23	5,322,932		Narva <i>et al.</i>	06-21-1994	(Please review all)
	U24	5,350,577		Payne	08-27-1994	(Please review all)
	U25	5,426,049		Sick <i>et al.</i>	06-20-1995	(Please review all)
	U26	5,427,786		Payne <i>et al.</i>	06-27-1995	(Please review all)
	U27	5,439,881		Narva <i>et al.</i>	08-08-1995	(Please review all)
	U28	5,468,636		Payne <i>et al.</i>	11-21-1995	(Please review all)

FOREIGN PATENT DOCUMENTS							
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	F1						
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

Application Number	09/977,653
Filing Date	October 15, 2001
First Named Inventor	Mark Thompson
Group Art Unit	1652
Examiner Name	R. Prouty
Attorney Docket Number	MA-702D2

Sheet 3 of 4

Attorney Docket Number MA-702D2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	R1	ADANG, M.J. et al., "Characterized Full-Length and Truncated Plasmid Clones of the Crystal Protein of <i>Bacillus thuringiensis</i> subsp. <i>Kurstaki</i> HD-73 and Their Toxicity to <i>Manduca sexta</i> ," <i>Gene</i> , 1985, pgs. 289-300, vol. 36.	
	R2	BEEGLE, C.C., "Use of Entomogenous Bacteria in Agroecosystems," <i>Developments in Industrial Microbiology</i> , 1978, pgs. 97-104, vol. 20.	
	R3	BOTTJER, Kurt P. et al., "Nematode: Susceptibility of the Egg to <i>Bacillus thuringiensis</i> Toxins," <i>Experimental Parasitology</i> , 1985, pgs. 239-244, vol. 60.	
	R4	CIORDIA and W.E. Bizzell, "A Preliminary Report on the Effects of <i>Bacillus thuringiensis</i> var. <i>thuringiensis</i> Berliner on the Development of the Free-Living Stages of Some Cattle Nematodes," <i>Journal of Parasitology</i> , 1961, vol. 47, issue 41, Abstract.	
	R5	COLES, G.C., "Anthelmintic Resistance in Sheep," <i>Veterinary Clinics of North America, Food Animal Practice</i> , 1986, pgs. 423-432, vol. 2(2).	
	R6	COUCH, T.L., "Mosquito Pathogenicity of <i>Bacillus thuringiensis</i> var. <i>israelensis</i> ," <i>Developments in Industrial Microbiology</i> , 1980, pgs. 61-76, vol. 22.	
	R7	CRICKMORE, N. et al., Society for Invertebrate Pathology, 29 th Annual Meeting, 3 rd International Colloquium on <i>Bacillus thuringiensis</i> , University of Cordoba, September 1-6, 1996, Abstract.	
	R8	ELY, S., "The Engineering of Plants to Express <i>Bacillus thuringiensis</i> Delta-Endotoxins," <i>Bacillus thuringiensis. An Environmental Pesticide: Theory and Practice</i> , Entwistle, P.F. et al. (eds.), 1993, pgs. 105-124.	
	R9	FEITELSON, J.S. et al., " <i>Bacillus thuringiensis</i> : Insects and Beyond," <i>BioTechnology</i> , 1992, pgs. 271-275, vol. 10.	
	R10	GAERTNER, F. and Leo Kim, "Current Applied Recombinant DNA Projects," <i>TIBTECH</i> , 1988, pgs. 54-57, vol. 6(4).	
	R11	GAERTNER, F.H., "Cellular Delivery Systems for Insecticidal Proteins: Living and Non-Living Microorganisms," <i>Controlled Delivery of Crop-Protection Agents</i> , R.M. Wilkins, ed., 1989, pgs. 245-255, Taylor and Francis, New York and London, 1990.	
	R12	HOFTE, H. and H.R. Whiteley, "Insecticidal Crystal Proteins of <i>Bacillus thuringiensis</i> ," <i>Microbiological Reviews</i> , 1989, pgs. 242-255, vol. 53(2).	
	R13	IGNOFFO, C.M. et al., "Deleterious Effects of the Thermostable Toxin of <i>Bacillus thuringiensis</i> on Species of Soil-Inhabiting, Mycophilic, and Plant-Parasitic Nematodes," <i>Journal of the Kansas Entomological Society</i> , pgs. 394-398, vol. 50(3).	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Examiner Name R. Prouty
Attorney Docket Number MA-702D2

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	R14	KRIEG, V.A. et al., "Bacillus thuringiensis var. tenebrionis: a New Pathotype Effective Against Larvae of Coleoptera," Z. Ang. Ent., 1983, pgs. 500-508, vol. 96.	
	R15	NICHOLLS, C.N. et al., "Evidence for Two Different Types of Insecticidal P2 Toxins with Dual Specificity in Bacillus thuringiensis Subspecies," Journal of Bacteriology, 1989, pgs. 5141-5147, vol. 171(9).	
	R16	PRICHARD, R.K. et al., "The Problem of Anthelmintic Resistance in Nematodes," Australian Veterinary Journal, 1980, pgs. 239-251, vol. 56.	
	R17	SCHNEPF, H.E. and H.R. Whiteley, "Cloning and Expression of the Bacillus thuringiensis Crystal Protein Gene in Escheria coli," Proc. Natl. Acad. Sci. USA, 1981, pgs. 2893-2897, vol. 78(5).	
	R18	SCHNEPF, H.E. et al., "The Amino Acid Sequence of a Crystal Protein from Bacillus thuringiensis Deduced from the DNA Base Sequence," The Journal of Biological Chemistry, 1985, pgs. 6264-6272, vol. 260(10).	
	R19	VISSER, B. et al., "Domain-Function Studies of Bacillus thuringiensis Crystal Proteins: A Genetic Approach," Bacillus thuringiensis. An Environmental Pesticide: Theory and Practice, Entwistle, P.F. et al. (eds.), 1993, pgs. 71-88.	
	R20	WABIKO, H. et al., "Bacillus thuringiensis Entomocidal Protoxin Gene Sequence and Gene Product Analysis," DNA, 1986, pgs. 305-314, vol. 5(4).	
	R21		
	R22		
	R23		
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	R25		
	R26		

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